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**JUL 18 2005**

**FACSIMILE COVER SHEET**

**DATE:** July 18, 2005

**# of Pages (including cover sheet):** 24

**TO:** USPTO centralized delivery

**FROM:** Andrew Curtin at MERL

**FAX #:** 571-273-8300

**RE:** U.S. Patent App. ser. no. 09/715,639

**Message:**

With respect to the above referenced Application, the Mitsubishi Electric Research Laboratories' Deposit Account, Acct. No. 50-0749, has been charged \$1500.00 under 37 C.F.R. 1.17(m) for a fee relating to a Petition to Revive an Unintentionally Abandoned Application. In a Petition to Withdraw a Holding of Abandonment mailed on June 29, 2005, the Petitioners inadvertently referenced sections of the Patent Rules regarding unintentional abandonment. However, under 37 C.F.R. 1.181(a), the applicant is allowed to petition the Director to withdraw a Holding of Abandonment based on evidence that a reply to a Non-final Office Action was timely mailed. There is no fee for the filing of this type of petition. Please see MPEP 711.03(c)(I). Therefore, should the Petition to Withdraw a Holding of Abandonment be accepted, the Petitioners respectfully request a refund of \$1500.00 to Deposit Account 50-0749 as permitted under 37 C.F.R. 1.26(a).

**Enclosed are:**

- (1) a corrected Petition to Withdraw a Holding of Abandonment;
- (2) a copy of the Notice of Abandonment dated June 10, 2005;
- (3) the Amendment in Response to the Non-final Office Action mailed July 19, 2004; and
- (4) a copy of the Return Postcard included with the Amendment indicating receipt by the USPTO on June 21, 2005.

With very best regards,

  
**Andrew Curtin  
MERL**

This transmission is subject to attorney-client privilege and contains company confidential information intended only for the person(s) to whom this message is addressed. If you have received this message in error, please notify the sender immediately by telephone and destroy the original message without making a copy. Thank you.

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MH-5061

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Group Art Unit: 2624  
:   
Peker, et al. :   
:   
Serial No.: 09/715,639 : Examiner: W. Chen  
:   
Filed: November 17, 2000 :   
:   
For: ADAPTIVELY PROCESSING A VIDEO BASED ON CONTENT  
CHARACTERISTICS OF FRAMES IN THE VIDEO

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE  
THAT A REPLY WAS TIMELY MAILED OR FILED  
(37 C.F.R 1.181)

MAIL STOP: PETITIONS  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Date of Transmission:

July 18, 2005

I hereby certify that this paper or  
fee is being transmitted by facsimile  
to the United States Patent and  
Trademark Office and is addressed to:  
Mail Stop: Petitions, Commissioner  
for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

Clifton D. Mueller

Name of Depositor

  
Signature

Sir:

This Petition is in response to a Notice of Abandonment mailed  
on June 10, 2005.

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MH-5061

**REMARKS**

This Petition is to request (i) that the Notice of Abandonment mailed by the U.S.P.T.O. on June 10, 2005 concerning the above referenced application, which was abandoned due to the alleged failure to timely respond to a Non-final Office Action dated April 21, 2004 and having a response time up to and including July 21, 2004, be withdrawn, and (ii) that the Amendment in Response to the Non-final Office Action submitted herewith be accepted.

- 1.) A Non-final Office Action for the present application was mailed by the U.S.P.T.O. (the "Office") on April 21, 2004.
- 2.) An Amendment in Response to the Non-final Office Action was mailed by the Applicants on July 19, 2004. The response also included a return postcard, which was stamped by U.S.P.T.O as received on July 21, 2004.
- 3.) A Notice of Abandonment was mailed by the Office on June 10, 2005.
- 4.) Copies of the Notice of Abandonment, the Return Postcard, and the Amendment in Response to the Non-final Office Action are submitted herewith.
- 5.) No fee is necessary for a Petition to the Director under 37 C.F.R. 1.181(a). See MPEP 711.03(c) (I).
- 6.) Because the application was filed after June 8, 1995, no terminal disclaimer or disclaimer fee is required.

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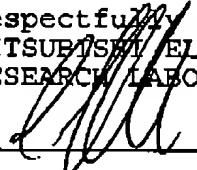
MH-5061

In view of the foregoing, it is respectfully submitted that the response was timely filed. Accordingly, it is respectfully requested that (i) the holding of abandonment be withdrawn, and (ii) the active status of the above referenced application be acknowledged.

It is respectfully requested that the undersigned be contacted by telephone at the below listed telephone number, in order to expedite resolution of any remaining issues, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including petition and extension of time fees, to Deposit Account 50-0749 and please credit any excess fees to such deposit account.

Respectfully submitted,  
MITSUBISHI ELECTRIC  
RESEARCH LABORATORIES, INC.

  
Andrew J. Curtin  
Registration No. 48,485

201 Broadway, 8<sup>th</sup> Floor  
Telephone (617) 621-7573  
DATE: July 18, 2005

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,639	11/17/2000	Ken A. Pekar	MH-5061	8846
7590	06/10/2005			
Patent Department Mitsubishi Electric Research Laboratories Inc 201 Broadway 8th Floor Cambridge, MA 02139				
JUN 13 2005				
EXAMINER CHEN, WENPENG				
ARY UNIT PAPER NUMBER				
2624				

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

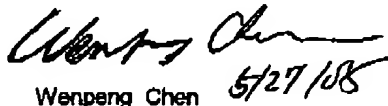
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<b>Notice of Abandonment</b>	Application No. <b>09/715,639</b>		Applicant(s) <b>PEKER ET AL</b>	
	Examiner <b>Wenpeng Chen</b>		Art Unit <b>2624</b>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 April 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
 Wenpeng Chen  
 Primary Examiner  
 Art Unit: 2624

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.